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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Fifteenth session

Summary record of the 247th meeting
Held at the Palais Wilson, Geneva, on Thursday, 7 April 2016, at 10 a.m.

Chair: Ms. Cisternas Reyes

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Lithuania (continued)

This record is subject to correction.

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Lithuania (continued) (CRPD/C/LTU/1, CRPD/C/LTU/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Lithuania took places at the Committee table.*

Articles 11-20

2. **Ms. Pabedinskienė** (Lithuania) said that increasing awareness of disability issues was a cross-cutting priority for all government departments. Numerous written, visual and electronic platforms were used to communicate information about the rights of persons with disabilities, and traditional media such as radio and television played an important part in those efforts. In addition, in 2016 four regional festivals would be organized to bring together persons with and without disabilities to share experiences and to promote a culture of inclusion. Awards were presented for socially responsible enterprises and for the issuance of publications intended for persons with disabilities. NGOs organized seminars on disability for the police, justice system employees, health-care professionals, the media and government officials.

3. The low number of complaints about discrimination lodged by persons with disabilities underscored the need for the Office of the Equal Opportunities Ombudsman to increase its efforts and its cooperation with NGOs to promote awareness of disability rights. Increased public awareness and a better awareness on the part of persons with disabilities on how to assert their rights would also facilitate the Government's efforts to ensure a shift from an institutional to a community-based life for persons with disabilities. Approximately €1 million had been allocated to support such a shift.

4. Significant support was received from the European Structural and Investment Funds, and that financing was supplemented by resources from the State budget. Funding for social integration in 2016 amounted to €788 million, of which €730 million had been allocated for pensions and benefits, €20 million for labour market measures for the employment of persons with disabilities and €8.5 million for the National Programme for the Social Integration of Persons with Disabilities 2013-2019, an increase of 7 per cent over 2015. Most of those funds for the National Programme were allocated for social rehabilitation services organized by State-funded NGOs. The budget for such services had increased from €5.5 million in 2010. The budget for making housing and buildings accessible had increased from €1.1 million in 2009 to €1.6 million in 2016. Funding for technical assistive devices had increased from €1.8 million in 2009 to €2.2 million in 2015. The budget for rehabilitation services in sanatoriums had increased by 2 per cent in 2016, and funding for accessible public transport and mobility assistance would double by 2020. The national and local governments would maintain their efforts to increase community-based services and promote the employment of persons with disabilities. Financing for activities for persons with disabilities would continue to come from European Union funds, supplemented by allocations from the State budget.

5. **Ms. Milašiūtė** (Lithuania) said that physical punishment and restraints were deemed illegal under the provisions of the Criminal Code relating to actions that caused harm or pain. Cases of physical abuse were investigated, and the perpetrators of such acts could be punished. That interpretation of the Criminal Code had been upheld by the Supreme Court.

6. **Ms. Toleikienė** (Lithuania) said that the Law on Civil Protection and related regulations defined the roles of government agencies and local authorities in emergency

situations; they had a responsibility to ensure that plans existed to provide support to their residents. Information could be sent to vulnerable groups, for example seniors, by text messages. Residents could also call the 112 emergency line for assistance. Technical aids and subsidies were available for the purchase of mobile phones for persons with vision and hearing impairments. Mobile phone applications were being developed specifically to provide information to persons with disabilities in emergency situations.

7. **Ms. Milašiūtė** (Lithuania) said that legal amendments to the Civil Code had partially changed the provisions relating to legal capacity. The fact that legal capacity was dealt with in the Constitution made it difficult to thoroughly adapt the concept or definition without also amending the Constitution. The Committee's general comment No. 1 (2014) on article 12 served as a valuable guide for reform, and the number of persons with disabilities deprived of their legal capacity had already decreased. The Ministry of Justice, in cooperation with organizations of people with disabilities, was responsible for providing training to relevant stakeholders on such reforms. The Office of the Equal Opportunities Ombudsman was responsible for ensuring that social care institutions observed the new norms relating to legal capacity and could make recommendations in that regard. Persons with disabilities were being provided with more support to assist them in making informed decisions. It was henceforth possible for a person with a disability to lodge a complaint if his rights in the area of legal capacity was violated, but to date no complaints had been received, no doubt because it was too early and there was still a lack of awareness of the reforms. The reforms also provided for the preparation by individuals of a so-called advance directive, or living will, in the event that they became incapacitated in the future. Only three such directives had so far been registered.

8. **Ms. Toleikienė** (Lithuania) said that a court decision regarding legal capacity must be based on an assessment by a medical professional and a social worker, using a procedure established by the Ministry of Social Security and Labour in collaboration with other ministries and organizations of persons with disabilities. The time and place of the interview with the social worker were set in cooperation with the individual concerned. The individual's information was kept confidential. Family members were also interviewed by the social worker, separately from the person with a disability. Tenders for training on the latest reforms relating to legal capacity would soon be issued. Hopefully, organizations of persons with disabilities would bid to organize that training.

9. **Ms. Kandratavičienė** (Lithuania) said that the National Programme for the Social Integration of Persons with Disabilities would provide funds to the Ministry of Internal Affairs in the next two years to make police buildings and facilities accessible.

10. **Ms. Milašiūtė** (Lithuania) said that plans had been launched in 2015 to make courthouses accessible, in accordance with international building standards. Information about the court system must also be accessible. Persons with disabilities had the right to request legal assistance. There were two levels of assistance: initial legal aid, available to all, and secondary legal aid for persons unable to pay for a lawyer. For persons with disabilities, including in matters relating to legal capacity, secondary assistance was provided regardless of the individual's income. Assistance for persons with disabilities had returned to the level it had reached preceding the economic crisis. As part of efforts to optimize access to legal assistance, information was increasingly being made available online and was thus more accessible to persons with disabilities. Since 2014, persons receiving secondary assistance had the right to choose their lawyers rather than having one appointed by the authorities. The Ministry of Justice also provided training on how to obtain legal aid.

11. Since 2014, the Ministry of Justice had been responsible for awareness-raising about the law. In cooperation with other ministries, including the Ministry of Education, it offered classes on the law in the schools and it also provided training in civil rights. Its Internet site

provided information prepared in consultation with the Information Society Development Committee on equality of opportunity and the elimination of discrimination, including against persons with disabilities. Every effort was made to ensure that all persons with disability, regardless of their legal capacity, were informed about their rights. The law provided for victims of crime to receive compensation paid by the State, regardless of whether the perpetrator of the crime had the means to pay or was ever actually convicted. Further measures were envisaged based on European Union Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

12. **Ms. Zinkevičiūtė** (Lithuania) said that persons with disabilities in the Rokiškis psychiatric hospital were free to meet with medical and administrative staff to discuss their concerns and that patients' families could also do so. Persons with mental disabilities had the right to appropriate care whether or not there had been any formal evaluation of their disabilities. Hospital staff provided treatment and organized activities, which might include for example art therapy or a patients' club. There was an online forum for the exchange of ideas. No formal regulations governed the use of restraints, which were employed only as a temporary measure on persons with mental disabilities. The Law on Mental Health Care would be amended to better define conditions for the use of restraints. In 2010 there had been 338 persons in Rokiškis Psychiatric Hospital; in 2014 there had been 138 new admissions and 123 patients had been discharged.

13. **Ms. Toleikienė** (Lithuania) added that decisions on institutional care were taken on the basis of informed consent from the individual concerned. For institutionalization to take place, an application had to be submitted to the local social security office, which assigned a social worker to assess the family's ability to support the person in question, as well as the services available in the community. In cases where inadequate support was available, usually for individuals with severe physical or mental disabilities, the persons were institutionalized. There were only one or two institutions in the country capable of meeting the needs of such persons.

14. **Ms. Milašiūtė** (Lithuania) said that the Criminal Code contained a chapter devoted to criminal liability for the violation of liberty and an article on the unlawful deprivation of liberty through placement in a medical institution, and that the offence was punishable by 5 years' imprisonment. That notwithstanding, persons with mental disabilities could legally be placed in an appropriate institution. Lithuania had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had assigned the Seimas Ombudsman's Office the task of implementing a national torture prevention programme both at detention centres and at other institutions where residents' freedoms were restricted, including social institutions. The Seimas Ombudsman's Office had applied for accreditation as a national human rights mechanism in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Ongoing efforts were being made to improve conditions at places of deprivation of liberty for persons with disabilities through the modernization of the existing infrastructure and the opening of a new unit specifically designed to accommodate members of that group.

15. **Ms. Toleikienė** (Lithuania) said that under the national law, the rights of individuals, including the right of privacy, could not be arbitrarily restricted. Any incidents occurring at social institutions were investigated and the causes identified in order to avoid any recurrence in the future. Processes had been established, with clear documentation, to make it possible for personal responsibility to be ascertained.

16. **Ms. Urbonaitienė** (Lithuania) said that the State was currently implementing a domestic violence prevention programme and funding the establishment of a countrywide network of specialized assistance centres for victims of violence, and that the resources allocated to such activities had increased significantly. The police regularly responded to

complaints of violence, and police officials, institutional staff and social workers were trained to assist victims. The number of reports concerning victims of psychological violence had risen in 2015. The increase was mainly attributable to increased awareness of the issue among experts and a greater willingness on the part of victims to contact the relevant authorities. In 2015, psychological violence had accounted for 59 per cent of violence-related complaints filed by children, with physical violence accounting for 35 per cent and sexual violence accounting for 6 per cent. Training in the recognition of and provision of assistance to child victims of sexual violence had been given to a range of professionals, including members of the police, judicial officials and social workers.

17. **Ms. Toleikienė** (Lithuania) said that inter-agency cooperation involving law enforcement officials, social workers and others had been established at the national level with a view to eliminating trafficking in persons and assisting victims of human trafficking. Funding had been earmarked for such activities, and training courses had been held. In 2015, a pilot project had been launched in a number of municipalities to develop a methodology for assisting victims of trafficking. Although there were no records of persons with disabilities who had been trafficked, the threat was real, in particular with regard to persons with slight mental impairments.

18. **Ms. Žukauskaitė** (Lithuania) said that measures had been taken to prevent the exploitation of girls with disabilities at children's centres through the amendment of relevant legislation and the strengthening of supervision. The authorities were working to reduce the number of such institutions to a minimum. Staff at the centres had received additional training, and the approach to education used by such institutions had been overhauled.

19. **Mr. Šniuolis** (Lithuania) said that a number of projects designed to tackle cyberbullying and other Internet-related issues were currently being implemented and a telephone helpline had been set up for children affected by such phenomena. State bodies were legally obliged to ensure that their websites were accessible to persons with disabilities. Private individuals running websites had no such legal obligation, but efforts were under way to persuade them to take similar action.

20. **Ms. Zinkevičiūtė** (Lithuania) said that sterilization and abortion were both strictly regulated. There had been no cases of persons with disabilities being subjected to those procedures, and consequently no corresponding investigations had been carried out. All visits to clinics were carefully documented, as were any consultations with psychologists.

21. **Ms. Kandratavičienė** (Lithuania) said that the Law on Social Services had been amended to cover the enablement, consultation and inclusion of persons with disabilities. During the period between 2007 and 2013, €4.3 million had been allocated to alternative care institutions, and the number of day centres and social service units had risen significantly. Persons with severe disabilities still had to wait for long periods before receiving assistance. Between €1 million and €2 million a year was allocated to the adaptation of the infrastructure at inpatient care facilities. There were plans to invest another €17.2 million in other services for persons with disabilities and other vulnerable groups. The European Social Fund had earmarked €76 million for the improvement of infrastructure and the provision of services for persons with disabilities. A new approach to care for young persons with disabilities, emphasizing individual needs assessment, was currently being adopted, and some €5 million had been allocated in support of it. Methodologies had been developed taking into account the wishes and requirements of persons with disabilities and their families. New types of assistance would be provided to persons with mental impairments, including through a sheltered housing programme.

22. **Ms. Toleikienė** (Lithuania) said that a number of NGOs were currently cooperating with the national authorities to promote independent living and to provide personal

assistance services and information on public services in accessible formats. In 2012, personal assistance services had been provided to 9,500 persons with disabilities, and by 2015 the number of beneficiaries had risen to 11,000, with some €1.2 million allocated to cover the cost of such services. The national authorities were working with representatives of persons with disabilities to design specific qualifications for personal assistants. Some 4,000 persons would be trained to provide such assistance.

Articles 21-33

23. **Ms. Quan-Chang** said that she was concerned that current attitudes in the State party towards the treatment and institutionalization of persons with disabilities were similar to those prevailing during the time of the Soviet Union. She asked whether the proposed new legislation on mental health care would focus on human rights in particular and whether organizations of persons with disabilities were being consulted about the new legislation's formulation and adoption. The State party should consider adopting a broader concept of sexual and reproductive health, in line with the Convention and other international human rights standards, in order to eliminate discriminatory practices relating to the enjoyment of sexual and reproductive health rights by persons with disabilities, in particular women and girls. The delegation should describe plans to bring the Office of the Ombudsman into line with the Paris Principles.

24. **Mr. Tatić** asked for further information on the accessibility of electoral campaigns to persons with disabilities, the provision of sign language interpreting and captioning for electoral debates broadcast on public television channels and the accessibility of tourist attractions, heritage sites and sports stadiums.

25. **Mr. Buntan** asked whether deaf persons could access sign language interpreting services outside of working hours and whether sign language interpreters could be called on to travel to other regions as a part of their work. Who paid for sign language services in such situations? Was there any legislation in place providing for mandatory sign language interpreting, captioning or audio description accompanying broadcast material? Were there any plans to repeal the Law on Social Enterprises, which appeared to promote sheltered workshops rather than open labour markets for persons with disabilities? He asked whether money from the European Structural and Investment Funds had been used to subsidize social enterprises, whether measures had been taken to eliminate the use of the term "person with no working capacity" when referring to persons with disabilities with significant needs and whether steps had been taken to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

26. **Mr. Basharu** said that he wished to know more about the accessibility of information. The national public broadcaster had in recent years apparently reduced the number of weekly hours of programming accessible to the deaf to three. He asked what steps had been taken to provide the blind with training in information and communications technologies such as screen readers for laptops. What measures had been put in place to train health-care personnel to take the needs of persons with disabilities into account and to ensure the availability of sign language interpretation and information in Braille or audio formats at health-care facilities? Lastly, he wished to know whether blind tourists visiting the city of Kaunas, for example, had information about the city and its attractions available to them in Braille and whether deaf tourists could count on the availability of sign language interpretation.

27. **Mr. Kim** Hyung Shik asked what plans the authorities had to transition from reliance on special education to inclusive education. What was the difference between the social enterprises frequently mentioned in the State party's report (CRPD/C/LTU/1) and sheltered workshops? Had such workshops been effective in creating more jobs for persons

with disabilities? What were the working conditions like? Did the income those enterprises generated justify the heavy subsidies they received, and were they able to market their output?

28. **Ms. Degener** noted the recommendations made in the context of the universal periodic review of 2011 (A/HRC/19/15, recommendations 89.31 and 89.32) that the State party should take measures to facilitate access to the labour and employment market for persons with disabilities. In particular, she wished to know how much money from European Union Structural and Investment Funds had gone towards supporting the employment of persons with disabilities in the open labour market and how much had gone towards their employment in segregated labour activities. Her understanding was that social enterprises provided only segregated job opportunities. Was reasonable accommodation provided as a matter of course only at those enterprises?

29. **Mr. Pyaneandee** said that the State party urgently needed to designate or establish an independent mechanism to monitor implementation of the Convention and enable persons with disabilities to exercise their rights.

30. **Ms. Kingston** asked how committed the State party was to including persons with disabilities in the 2030 Agenda for Sustainable Development. To what extent were persons with disabilities and their representative organizations involved in efforts to achieve the Sustainable Development Goals?

31. **Mr. You** Liang said that he would welcome information on efforts to ensure that persons with disabilities did not face a disproportionate risk of poverty and that they had full control over their expenditures, if necessary with the help of supported decision-making.

32. **Mr. Langvad** (Country Rapporteur) said that, although the State party had provided the Committee with a good deal of statistical information, it was still hard for him to form a clear picture of how such information helped change perceptions of persons with disabilities in public agencies, the health sector or the general public. What did the State party intend to do to ensure that the statistics it collected helped it implement the provisions of the Convention? The delegation should confirm that all persons with disabilities had the capacity to marry, found a family and adopt children. He would welcome more information on substantive matters relating to the accessibility of justice. Many of the replies to questions about access to justice had appeared to focus on such issues as physical access to courthouses for wheelchair users. How did the State party ensure that the lawyers who provided persons with disabilities with free legal advice or defended them in court knew how to deal with their clients?

33. Could the new legislation on mental health be considered fully compliant with articles 14, 15 and 16 of the Convention? What statistical data were collected on the results of involuntary treatment of persons with disabilities, and how many children under 3 years of age were still placed in institutions? He would welcome confirmation that younger persons with disabilities could choose not to live among older persons. What training did health-care workers receive in taking a human rights-based approach to disability, especially in relation to persons with psychosocial disabilities? He also asked what plans the State party had to make elections fully accessible to all persons with disabilities.

34. **The Chair** asked what steps the State party had taken to increase the availability and effectiveness of vocational rehabilitation programmes for persons with disabilities and strengthen the system of job quotas for them, as recommended by the Committee on Economic, Social and Cultural Rights in its concluding observations on the second periodic report of Lithuania (E/C.12/LTU/CO/2). She also asked what percentage of persons with disabilities had access every year to vocational rehabilitation. What efforts had the State party made to provide for the integration and effective participation of women with disabilities in the labour market, as recommended by the Committee on the Elimination of

Discrimination against Women in its concluding observations on the fifth periodic report of Lithuania (CEDAW/C/LTU/CO/5)?

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

35. **Mr. Paulauskas** (Lithuania) said that most of the provisions of the Marrakesh Treaty could be or had already been implemented in Lithuania. Ratification of the Treaty had for the time being been delayed by a dispute as to whether it fell under the sole competence of the European Union. Since the adoption of a parliamentary decree calling for the Seimas Ombudsman's Office to become the country's national human rights institution, a considerable amount of work had been done to ensure that the Office could function in that capacity with A status, in accordance with the Paris Principles, and the requisite application had been submitted in late 2015. He expected the review of the application to be completed in the coming months.

36. **Ms. Urbonaitienė** (Lithuania) said that the number of television programmes with subtitles or sign language interpretation was insufficient. The director of the national public broadcasting company had been made aware of the problem, and efforts had been made to address the country's shortage of sign language interpreters. The Ministry of Social Security and Labour had organized a programme to help blind people live at home. It involved teaching them a number of useful skills, including how to use information and communication technologies.

37. **Ms. Žukauskaitė** (Lithuania) said that the special education system had previously been separate from the mainstream system. However, in accordance with the Law on Education, all children were now educated together, which was a significant development. There was no special education department within the Ministry of Education, but there was an educational assistance division that was responsible for inclusive education. An inclusive education action plan had been put in place for the period 2014-2016. The per capita budget for students with disabilities to provide them with equipment, tools and adequately trained teachers amounted to 35 per cent more than the respective amount allocated for students without disabilities. Lithuania was a participant in a recently begun project on the funding of inclusive education supported by the European Commission. Not all schools in Lithuania had been adapted to be accessible for students with physical disabilities because many had not yet been sufficiently modernized. The European Union Structural and Investment Funds had allocated €3 million to modernize the physical environment of schools and to adapt and improve the approach to teaching. There were plans to use those funds to ensure that up to 80 per cent of all schools would be modernized, and accessibility would therefore improve in the future. The Lithuanian Forum of the Disabled had in its alternative report pointed out problems with the quality of home schooling. Home schooling was sometimes misused, and the outcome of such misuse was the very opposite of inclusive education. A dialogue on that issue had been initiated with the participation of the Ministry of Health to resolve abuses of the home schooling system. According to data provided by the Ministry of Education and Science, there were 5,000 children with disabilities in Lithuania, thousands of others considered to have impairments and 3,500 with learning difficulties. There were plans to reduce the number of children in special schools as far as possible. A number of ministries were involved in efforts to achieve that objective.

38. **Ms. Urbonaitienė** (Lithuania) said that the Ministry of Social Security and Labour had earmarked half a million euros to provide social support to students in higher education, thus benefiting around 1,000 students. The 2016-2018 action plan for implementation of the National Programme for the Social Integration of Persons with Disabilities included activities to adapt the physical environment and improve accessibility for students with disabilities in higher education facilities in 2017.

39. **Ms. Zinkevičiūtė** (Lithuania) said that Lithuanian obstetric facilities were adapted so that women with disabilities could give birth and receive appropriate health care. Adequately trained health-care professionals were also available to women with disabilities who chose to give birth in their homes. There was therefore no discrimination against pregnant women with disabilities in terms of access to health-care facilities and services.

40. **Ms. Mešlkauskienė** (Lithuania) said that a number of important buildings, including those at cultural sites, had to be adapted to make them accessible for persons with disabilities, and all new buildings must be constructed in an accessible manner. In addition, by law, all signage and information resources in cities, parks and natural reserves must be accessible to persons with disabilities. All of the necessary steps had been taken to ensure that the five facilities used for basketball events, including their sanitary facilities, met all requirements for accessibility.

41. **Ms. Radišauskienė** (Lithuania) said that the new draft labour code would provide safer and more flexible conditions to integrate persons with disabilities into the labour market. Flexible working arrangements such as part-time work or remote work would be facilitated. At present, only 28 per cent of persons with disabilities were in employment. It was therefore important to improve their access to the labour market and to create a favourable working environment adapted to their needs. Under the current Labour Code, employers were required to create healthy and safe conditions for all employees and to assess health and safety risks. Around 11,000 persons with disabilities had been registered on the labour exchange over the last five years. That number was too low. Between 2007 and 2013, around €197 million had been allocated to various measures addressing the labour market, including measures benefiting persons with disabilities, and more funding had been provided since 2014; still more was budgeted for the period up to 2020. In 2016 there were 350 more people with disabilities in employment than in 2014. Although the numbers were low, progress had been made, and more persons with disabilities had found employment. The vast majority of persons with disabilities in employment, approximately 90 per cent, were employed under labour contracts, which meant that they had a certain degree of job security.

42. A working group had been set up in order to decide whether the Law on Social Enterprises should be repealed or simply amended. A number of provisions of the law had already been amended and improved. The working group had also decided that 15 per cent of the profit made by social enterprises should be used to support their key objective, namely to increase employment of all persons belonging to the target group, which included persons with disabilities. In Lithuania around 8,000 people worked in social enterprises, 7,000 of whom were persons with disabilities, including 300 with severe disabilities. The salary subsidy allocated to persons with severe disabilities amounted to €380 per month per person, and for those with moderate disabilities it was €300 per month. The number of social enterprises in Lithuania had grown and they now offered more employment options for those persons with disabilities seeking work there.

43. **Ms. Pabedinskienė** (Lithuania) said that the number of social enterprises had increased from 123 in 2013 to 147 in 2016. The number of persons employed had also increased, from 3,200 in 2013.

44. **Ms. Milašiūtė** (Lithuania) said that, in accordance with the Constitution, citizens who had been declared "incapable", or legally incompetent, were not able to participate in elections. In accordance with the law, municipalities were required to accommodate persons with disabilities such as hearing impairments or blindness at polling stations. A new bill was being drafted with a view to setting up an Internet voting system. There were also plans to adapt the method of voting to specific disabilities in order to provide individually tailored solutions to problems encountered when voting.

45. **Ms. Čaplikienė** (Lithuania) said that, because the current voting procedures were not yet satisfactory, efforts would be made to improve accessibility and expand the options available to persons with disabilities when voting. Civil society organizations representing persons with disabilities were able to observe elections to check compliance with the relevant legislation. Surveys were carried out at all government ministries to collect data on persons with disabilities. The Ministry of Social Security and Labour collected information on the financial support allocated to persons with disabilities. The data served as a basis for plans to promote the inclusion of persons with disabilities.

46. **Ms. Pabedinskienė** (Lithuania) said that she would like to thank the Committee members for the constructive dialogue and their valuable comments. The delegation looked forward to receiving the recommendations of the Committee, which would help the Government to better protect the rights of persons with disabilities.

47. **Mr. Langvad** expressed his gratitude to the members of the delegation for their honest input during the dialogue. The Committee would endeavour to draft recommendations that could realistically be implemented. The delay in ratifying the Marrakesh Treaty was unfortunate and regrettable. He hoped that the Government would devote significant efforts to implementing the recommendations in the Committee's concluding observations in collaboration with civil society organizations. It was important to interpret the State's Constitution in the light of the times and not the time when it had been written. The prohibition on the right to vote for those persons declared legally incompetent was one example of a practice arising from an interpretation of the Constitution that should be revised and reconsidered.

The meeting rose at 1 p.m.

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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Fifteenth session

Summary record of the 248th meeting
Held at the Palais Wilson, Geneva, on Thursday, 7 April 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Uganda

This record is subject to correction.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Uganda (CPRD/C/UGA/1; CRPD/C/UGA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Uganda took places at the Committee table.*

2. **Mr. Madada** (Uganda), introducing his country's initial report (CRPD/C/UGA/1), said that the Ministry of Gender, Labour and Social Development was the government institution charged with protecting the rights of persons with disabilities. Those rights, including the right to respect and human dignity, were explicitly recognized by the Constitution of Uganda, which provided that the State should take appropriate measures to ensure that persons with disabilities realized their full mental and physical potential; that marginalized groups, including persons with disabilities, should be fairly represented on all constitutional and other bodies; that the development of sign language for deaf persons should be promoted; that persons should not be discriminated against on the basis of disability, among other grounds; and that the State should take affirmative action in favour of persons with disabilities to redress imbalances. In fact, the number of persons with disabilities elected to Parliament significantly exceeded the affirmative action quota of five persons provided for by law.

3. The Equal Opportunities Commission was now fully functional and had the powers of a court, including the authority to impose prison sentences. The Commission had resolved 11 of the 16 cases on disability issues reported to it that year. It had also launched a free hotline to report discrimination and was undertaking a study on unequal remuneration in the public and private sectors. The protection of the rights of persons with disabilities had been enhanced by the revision of the Public Finance Management Act which had introduced mandatory sectoral audits by the Commission to ensure compliance with gender and equity standards. The Persons with Disabilities Bill (2014) currently before Parliament provided for the amendment of the Magistrates Act and Trial on Indictment Act to eliminate subjective definitions of persons with disabilities and progressively harmonize definitions with the Constitution and international standards. In addition to the National Policy on Disability, a range of other policies also took account of persons with disabilities, including the National Equal Opportunities Policy, the National Employment Policy, the National Gender Policy and the National Culture Policy. New programmes such as the Women's Entrepreneurship Programme and the Youth Livelihoods Programme specifically targeted women and young people with disabilities.

4. Uganda had a strong civil society movement, and institutions such as the National Union of Disabled Persons of Uganda had thrived. The State party's initial report and replies to the list of issues had been prepared on the basis of extensive consultations with a range of stakeholders, including organizations of persons with disabilities. Since the report had been submitted, the results of the National Housing and Population Census had been published, indicating that persons with disabilities made up 12.4 per cent of the total population and 14 per cent of children aged between 2 and 5. The Government was aware that the Convention required progressive realization of rights and was committed to the continuous implementation of the Convention in line with the National Development Plan, Vision 2040 and other national realities.

5. **Mr. Basharu** (Country Rapporteur) said that thanks were due to the organizations of persons with disabilities and the Uganda Human Rights Commission for their valuable contributions to the dialogue with the Committee. He commended the State party on the practical steps it had taken, through affirmative action, to include persons with disabilities

in the Ugandan Parliament. However, he expressed concern at the restrictions in the Electoral Law and the Constitution that prevented persons with disabilities, especially persons with psychosocial and intellectual disabilities, from standing for election. It was regrettable that there were varying definitions of disability in different statutory provisions and that several bills that would advance the lives of persons with disabilities, such as the Persons with Disabilities Bill (2014) and the Mental Health Bill (2014), were still awaiting enactment.

6. The Committee was also concerned about discriminatory practices against persons with disabilities under several laws and the use of derogatory language, such as "unsound mind" and "lunacy", in laws, policies and government documents. Although there was a certain level of consultation with organizations of persons with disabilities, it was not all-inclusive, and efforts should be made to ensure the participation of women, young people and children with disabilities as well as persons with psychosocial disabilities.

7. He expressed concern at reports of physical and sexual violence and abuse against women and children with disabilities in family settings, institutions, mental health facilities and programmes run by non-governmental organizations (NGOs) and the absence of complaint mechanisms. He would be grateful for information on the accessibility of hotlines, shelters and victim support services to persons with disabilities. He invited the delegation to comment on the worrying reports of forced medical treatment, practices classified as torture, cruel, inhuman and degrading treatment or punishment, the use of physical and chemical restraints and the isolation of persons with disabilities in psychiatric hospitals, and the absence of measures to ensure that persons with disabilities were enabled to give their free consent to medical or scientific experimentation.

8. Noting that persons with disabilities in the State party experienced a range of barriers to their personal mobility, such as having to pay double fares on public transport when using devices such as wheelchairs, he said that the State party should make efforts to increase funding for the procurement of assistive mobility aids and appliances, provide sunscreen to persons with albinism and provide training for mobility instructors to help blind persons avoid road accidents. He would welcome further information on the situation of deaf and deaf-blind children and measures to ensure their protection and inclusion in society as well as the main challenges with respect to the recognition of sign language as an official language in the State party.

9. Noting that deaf and blind persons were deprived of their medical privacy in hospitals because information given to them was channelled through interpreters and guides, he said that public and private institutions should provide the necessary support services to protect the right to privacy of persons with disabilities and the Government should develop a legal framework for the protection of data and privacy. Given that blind persons had difficulty in accessing cash dispenser services owing to the absence of audio description, banks should develop a system that enabled persons with disabilities, particularly blind persons, to access all banking services independently.

10. He would be interested to hear from the delegation about how persons with disabilities would be taken into account in the country's economic development plans and what specific measures would be taken to ensure that they had access to education, health care and employment on an equal basis with others. He stressed the importance of addressing the situation of persons with disabilities from a perspective based on human rights rather than charity.

Articles 1-10

11. **Mr. Al-Tarawneh** asked what budgetary resources the Government had allocated to making the built environment accessible for persons with disabilities, what efforts were

made to enforce building codes and implement accessibility plans, and how organizations of persons with disabilities were involved in such activities.

12. **Mr. Ruskus** expressed concern about the strong stigma attaching to persons with disabilities, manifested through differential treatment, humiliating nicknames and isolation, for example, as well as the many misconceptions about disability and the strongly held traditional beliefs that mental health problems were associated with evil spirits, witchcraft and curses. He wondered what measures the State party planned to take, with the active involvement of organizations of persons with disabilities, to raise awareness at all levels of society in order to effectively remove the stigma and portray persons with all kinds of disabilities in a manner consistent with the Convention and the Nairobi Declaration Inclusive Post-2015 Development Agenda for Persons with Disabilities in Africa. He would be interested to hear about training for professionals working in all areas of the public sector, including social protection and health, public administration and justice, education and employment, and transportation and building design.

13. **Mr. Kim** Hyung Shik, noting from the initial report that there appeared to be a lack of real understanding of some of the key principles of the Convention, asked what training programmes were in place to educate policymakers and ministries on the Convention. He wondered how accessibility, education and employment would be addressed given that the Persons with Disabilities Bill did not refer to reasonable accommodation. Although he understood that the State party faced a lack of resources, he stressed the importance of identifying immediate priorities for the implementation of the Convention and avoiding an overreliance on the idea of progressive realization of rights.

14. **Ms. Pavey** asked how successful Uganda's National Culture Policy had been in changing deeply entrenched attitudes towards persons with disabilities and in eradicating traditional practices that infringed their rights. She would also like to receive information on any further initiatives that the State party planned to undertake in that area.

15. **Ms. Kingston** asked what measures the State party was taking to combat stereotypes about persons with disabilities, especially in rural areas; whether persons with disabilities could lodge complaints concerning multiple and intersectional discrimination; and, if so, what legal remedies were available to them. It would also be useful to know whether the State party's policies for dealing with gender inequality included a disability dimension and whether its legislation and policy on disability rights were gender-inclusive.

16. **Ms. Quan-Chang** asked whether the State party had already begun the process of aligning its domestic legislation with the Convention and whether organizations of persons with disabilities had been involved in that process. She also wished to know how the State party planned to ensure that women with disabilities were duly represented and could participate fully in women's councils at all levels.

17. **Ms. Degener** asked how the State party involved organizations of persons with disabilities in implementing the Convention; whether such organizations had been involved in drafting the Persons with Disabilities Bill (2014); what steps the State party had taken to comply with the constitutional requirement for persons with disabilities to be represented in all public bodies; and what progress the State party had made in bringing its domestic legislation into conformity with the Convention. She also wished to know what measures the State party had taken to protect women with disabilities against sexual violence in all settings and multiple discrimination, and to expedite the transition to a human rights model of disability in the country.

18. **Mr. You** Liang said that, although the State party had adopted a raft of policies and measures intended to promote and protect the rights of persons with disabilities, there still appeared to be many obstacles to their effective implementation. He asked how the State party raised public awareness of those policies and measures and whether organizations of

persons with disabilities were consulted on activities to promote their implementation. The delegation should also indicate whether, in Uganda, the Internet was accessible to deaf and blind persons, and how the economic empowerment of women with disabilities was promoted in the country.

19. **Mr. Parra Dussan** asked whether the State party had identified specific laws that ran counter to the Convention and that should be repealed; whether acts of discrimination, particularly on the basis of disability, constituted a criminal offence; and what penalties were imposed for such acts.

20. **Mr. Pyaneandee** said that, while the principle of non-discrimination against persons with disabilities was enshrined in the Ugandan Constitution, it seemed to be merely symbolic, as the State party had still not aligned all of its domestic legislation with the Convention. He asked whether any judicial rulings had been issued that could serve to enhance the protection already afforded to the rights of persons with disabilities by the Convention. He enquired about the number of complaints of discrimination on the basis of disability received by the Equal Opportunities Commission and the legal remedies available to complainants. Lastly, he wished to know how the State party empowered persons with disabilities who had suffered discrimination to vindicate their rights.

21. **Mr. Tatić**, noting that Ugandan domestic legislation made no explicit reference to the duty to provide reasonable accommodation for persons with disabilities in the legal system, asked whether the State party planned to include the denial of such accommodation in its definition of discrimination based on disability. Turning to the question of accessibility, he drew the delegation's attention to the Committee's general comment No. 2 on that subject, which could help to guide the State party's efforts in that area. He asked whether the State party provided training on universal design to all architects, urban planners, engineers and designers, and how it enforced the application of those principles in practice. He also wished to know whether the necessary support services and accessibility features were in place to allow wheelchair users visiting Uganda to travel from the airport to the city centre unhindered, and whether hotels and government buildings were also accessible to those persons. Lastly, he requested additional information on the measures being taken by the State party to combat negative stereotypes and prejudices about persons with disabilities, particularly persons with albinism, which could lead to acts of violence being committed against them.

22. **Mr. Buntan** asked how the State party planned to guarantee the systematic and continual involvement of organizations of persons with disabilities in the formulation of laws and policies concerning them. It would be useful to know how many complaints of discrimination and/or human rights violations the Equal Opportunities Commission had received from persons with disabilities or organizations representing them, and whether information on the existence and mandate of the Commission was widely available. He also asked whether the Building Control Act 2013 would include accessibility standards and, if so, whether those standards would be legally binding. Were there standards and/or guidelines in place to ensure the accessibility of information and communication technology products and services to persons with disabilities in Uganda?

23. **Mr. Basharu** asked what steps the State party had taken to bring the various definitions of disability contained in its domestic legislation into line with the Convention; and whether the State party intended to invest more heavily in awareness-raising actions aimed at the public, government departments and ministries and the media on the rights of persons with disabilities so as to lessen the burden on organizations of persons with disabilities in that regard. The Committee had received reports that, although the Ugandan Constitution provided a legal framework for the right to life, in practice, that right often did not extend to persons with disabilities who, in some communities, could be killed or

sacrificed as part of a ritual on account of their impairment. He asked what measures the State party had taken to protect those persons' right to life.

24. **The Chair** asked why the State party had not yet ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and what measures it had taken to give effect to the recommendations made by the Committee on Economic, Social and Cultural Rights in its 2015 concluding observations (E/C.12/UGA/CO/1), in which it had called upon the State party to adopt a comprehensive anti-discrimination law and to take steps to combat and prevent discrimination and societal stigma against persons with disabilities and lesbian, gay, bisexual, transgender and intersex individuals. Lastly, she wished to know how the State party planned to involve civil society in the voluntary national review process of the high-level political forum on sustainable development.

The meeting was suspended at 4.10 p.m. and resumed at 4.40 p.m.

25. **Mr. Mujuni** (Uganda), responding to Committee members' questions, said that efforts had been made to ensure that the Mental Health Bill, in its current wording, as well as electoral law and other areas of legislation, did not use derogatory language to refer to persons with disabilities. As part of the National Culture Policy and efforts to eliminate negative traditional beliefs, the Government was conducting a review of existing cultural laws. The mandate of a newly established centre for cultural excellence included the promotion and development of persons with disabilities within the creative industries, while the action plan under the National Culture Policy also contained measures to enhance the skill sets of persons with disabilities and help them to promote their own crafts and other products.

26. He assured the Committee that Ugandan legislation and policy on disability rights were gender-inclusive.

27. There were clear guidelines on how the courts were to deal with cases of discrimination. Courts could impose fines or sentence perpetrators to up to 15 years in prison, depending on the seriousness of the offence. Regarding lesbian, gay, bisexual, transgender and intersex persons, the Constitution was very clear that all persons were entitled to equal access to services and the Government was also guided by the judgments of the Constitutional Court.

28. Lastly, the Government had initiated the development of anti-torture legislation in anticipation of the future ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

29. **Ms. Kaggya Nabulime** (Uganda) said that within the framework of the National Policy on Disability various awareness-raising activities were carried out, including the promotion of persons with disabilities and their rights through the media and creative arts. A disability awareness programme included activities such as giving talks to parents, communities and service providers to raise awareness of the rights of persons with disabilities and ensure that they were respected. A national day for persons with disabilities was widely promoted in the media.

30. Regarding stigmatization, the Government was in the process of amending various cultural laws and identifying negative tendencies relating to persons with disabilities. Similarly, the National Culture Policy placed an emphasis on social inclusion, and traditional leaders were involved in disability awareness-raising in local communities.

31. A national plan on disability was currently being developed, while disability awareness and sign language training had already been provided to some service providers. Consultations were ongoing in relation to the Persons with Disabilities Bill, which encompassed various areas of life and accessibility of basic services, such as hospital beds

for persons with disabilities. Women with disabilities were represented at local council level and each district had two elected representatives — a man and a woman — who advocated on issues relating to persons with disabilities.

32. **Ms. Nampeera** (Uganda) said that the Government had launched a range of affirmative action measures to promote the economic empowerment of women with disabilities. For example, half of the special grants available for persons with disabilities were reserved for women applicants, and 30 per cent of the beneficiaries of a women's economic empowerment programme, launched in 2015, were women with disabilities.

33. **Mr. Madada** (Uganda) said that civil society was consulted during the formulation of all policies and legislation and that all stakeholders were invited to provide further input after a bill's first reading by Parliament, which meant that amendments could yet be made to the bill amending the Persons with Disabilities Act. That bill currently included various provisions to promote inclusiveness, such as one stipulating that schools were obliged to provide assistive devices or learning materials in accessible formats to students with disabilities. Sanctions could be applied for failure to comply with those principles. Similarly, the Government had recently approved a comprehensive social protection policy that also paved the way for greater social inclusion of persons with disabilities.

34. While civil society organizations were undoubtedly active in terms of awareness-raising, the Government also contributed to disseminating information about persons with disabilities and their rights through continuous dialogue with the media. A public service television programme was dedicated to issues related to persons with disabilities. In short, Uganda was making steady progress and was committed to ensuring that persons with disabilities were included in all policy and programme areas.

Articles 11-20

35. **Ms. Quan-Chang** said that she was concerned that persons with psychosocial disabilities were routinely institutionalized in the State party; that there was a lack of proper regulation, oversight and monitoring of those institutions; and that the public health legislation was obsolete and reflected a medical approach to persons with disabilities rather than one based on human rights. The conditions in institutions housing persons with psychosocial disabilities were deplorable and individuals were often subjected to cruel, inhuman or degrading treatment and a general lack of basic hygiene and sanitation. She asked how many persons with disabilities, particularly those with psychosocial disabilities, were interned in such institutions.

36. She wished to know whether the State party intended to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and establish a robust and effective national preventive mechanism in order to monitor psychiatric hospitals and other institutions responsible for treating persons with psychosocial disabilities. What efforts had been made to protect particularly vulnerable persons with disabilities against ill-treatment and abuse, notably children, women and older persons?

37. **Ms. Pavey** said that she would welcome additional information on the impact of national awareness-raising campaigns aimed at combating discriminatory cultural beliefs concerning disability. Up-to-date information on the situation facing refugees with disabilities in the country would also be welcome, including any examples of good practice adopted in respect of the employment and inclusion of refugees in society.

38. **Mr. Tatić** asked what measures had been adopted to ensure access to State facilities and services for persons with disabilities and to provide signage and information in Braille and accessible, easy-to-read formats. He also wished to know whether the Government provided disability allowances so that persons with disabilities could hire personal

assistants where appropriate and, if so, whether such assistants had access to specific training in order to perform their duties effectively.

39. **Ms. Degener** asked what efforts had been made to combat sexual and gender-based violence against women and girls with disabilities and address the multiple forms of discrimination they faced. She also wished to know more about the drafting process and status of the Mental Health Bill, including whether organizations of persons with disabilities had been actively involved at all stages of its preparation and whether the bill prohibited involuntary detention. Lastly, she asked whether refugees with disabilities had access to support services and assistance on an equal basis with other refugees.

40. **Mr. Buntan** said that he wished to know whether the Government had adopted minimum standards or guidelines aimed at guaranteeing access to information and communication technologies for persons with disabilities. He asked what measures had been taken to ensure effective access to justice for persons with disabilities and provide appropriate training for personnel working in the field of administration of justice, such as police officers and prison staff. Information on the steps taken to ensure that persons with disabilities, particularly deaf, blind or deaf-blind persons, had equal access to banking services would also be welcome. Lastly, he wished to know whether persons with disabilities and their representative organizations had been actively involved in the design, implementation and monitoring of the National Disaster Risk Reduction and Management Policy.

41. **Ms. Kingston** asked what actions had been organized to combat gender-based violence against women with disabilities living in refugee camps and prevent their abduction and sexual exploitation. She also wished to know whether the Government intended to incorporate a reference to persons with disabilities into its national policy on internally displaced persons and ensure that all persons with disabilities had access to the same level of psychological support and community-based rehabilitation as that provided to landmine survivors. Lastly, she asked what efforts had been made to tackle the sexual exploitation of deaf women and girls and eradicate virgin cleansing (the practice of having sex with virgins as a cure for HIV/AIDS) which disproportionately affected women with disabilities owing to the common misconception that they were sexually inactive.

42. **Mr. Kim** Hyung Shik said that he would like to know whether senior policymakers had received training on the provisions of the Convention. He also asked what steps had been taken to protect persons with disabilities against torture and ill-treatment, particularly children with psychosocial disabilities, persons with albinism and persons with disabilities living on the streets. What reasonable accommodation measures had been introduced for prisoners with disabilities, specifically those with psychosocial disabilities?

43. **Mr. Pyaneandee** asked what policies had been developed to combat torture and cruel, degrading or inhuman treatment of persons with disabilities and ensure that victims with disabilities had access to justice and effective remedies on the same basis as others.

44. **Mr. You** Liang said that he would like to know whether the State party had taken effective measures to facilitate access to assistive devices and mobility aids for persons with disabilities.

45. **The Chair** asked whether the Government intended to repeal the provision of the Citizenship and Immigration Control Act that prohibited dual citizenship for persons deemed to be of "unsound mind". She also wished to know what concrete measures had been taken to eradicate female genital mutilation. Lastly, she enquired whether persons with psychosocial disabilities charged with an offence could be declared incapable of standing trial and, if so, under what circumstances and for how long.

46. **Mr. Basharu** said that he would welcome updated information regarding the operational status of the district disaster management committees established under the National Disaster Risk Reduction and Management Policy. He also wished to know what steps had been taken to ensure that information and support services for victims of gender-based violence were accessible to women with disabilities. What training had been provided to judicial officials and health-care professionals responsible for dealing with women victims of gender-based violence with disabilities?

47. **Mr. Lovászy** asked whether efforts had been made to establish a national Internet and mobile phone accessibility action plan that contained specific provisions for the benefit of persons with disabilities, notably blind and deaf persons and persons with visual and/or hearing impairments.

The meeting rose at 5.40 p.m.

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Summary record of the 249th meeting
Held at the Palais Wilson, Geneva, on Friday, 8 April 2016, at 10 a.m.

Chair: Ms. Kingston (Vice-Chair)

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Initial report of Uganda (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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In the absence of Ms. Cisternas Reyes, Ms. Kingston, Vice-Chair, took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Uganda (continued) (CRPD/C/UGA/1; CRPD/C/UGA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Uganda took places at the Committee table.*

2. **Mr. Mujuni** (Uganda) said that the right to dual citizenship of all persons, including those deemed to be of "unsound mind", was guaranteed under the Constitution, which took precedence over all other national legislation. Additionally, the Mental Health Bill would address the issue of "unsoundness of mind" in terms of the denial of rights. Furthermore, the Citizenship and Immigration Control Act was currently being amended to bring it into line with relevant international legal practice and agreements on the free movement of labour and services within East Africa.

3. A telephone helpline had been set up for children with disabilities who were victims of sexual violence or in conflict with the law. Prosecutors, police officials, medical staff and social workers provided support as a part of that initiative. Any complaints of violence against children were dealt with quickly and offences of sexual abuse of children with disabilities were severely punished under the relevant criminal legislation.

4. The Equal Opportunities Commission had to date received 16 complaints, of which 13 had been resolved, and had set up a general telephone hotline through which all victims of violence, discrimination and marginalization could access transportation, accommodation and justice. The Commission was also currently setting up a number of regional offices to increase the coverage of its services.

5. Article 50 of the Constitution made provision for public interest and class action suits. In a 1999 case, *Uganda v. Tesimana Rosemary*, Justice Egonda-Ntende had ruled that a court, when inquiring as to whether an accused person was of sound mind, while not losing sight of the accused and the proceedings against him or her, must seek to secure his or her right to a fair trial. Uganda had taken into account general comment No. 5 of the Committee on Economic, Social and Cultural Rights on persons with disabilities when reviewing relevant national legislation and considering actions affecting persons with disabilities.

6. **Ms. Kaggya Nabulime** (Uganda) said that women with disabilities sat on many official bodies, such as the Equal Opportunities Commission. In total, 5,000 women with disabilities had received training under the "Start and Improve Your Business Programme" of the International Labour Organization. Within the framework of the East African Community, Uganda had recently signed an agreement on cross-border trade that would have a significant impact on women engaging in business activities. Special grants had been awarded to 30,000 women with disabilities.

7. As a result of an ongoing programme under which women practitioners of female genital mutilation were encouraged to take up alternative income-generating activities, the number of cases of female genital mutilation had fallen dramatically and continued to do so. In addition, an act prohibiting the practice had been introduced.

8. Parliamentarians and students in higher education with disabilities had access to interpretation and other support services free of charge. The Government was currently developing a special needs and inclusive education services policy for schoolchildren and

learners with disabilities at various levels. Support services were also provided to children with disabilities sitting exams.

9. National legislation on the treatment of refugees was in line with the relevant international legal instruments. Refugees lived alongside members of their host communities and enjoyed access to education for their children, sanitation and hygiene services and health care, in addition to receiving plots of agricultural land. Work had been carried out to identify and assess child refugees with disabilities with the assistance of World Vision International and an orthopaedic workshop had been set up to produce assistive devices. Landmine survivors and other persons with disabilities received support under a comprehensive national plan for victim assistance. The plan made provision for awareness-raising, education and health, among other things.

10. Although no specific strategy for training service providers on the Convention had been drawn up, the National Council for Disability was working to raise awareness of disability, report any shortcomings in the implementation of the Convention to the Government and make recommendations in that regard. In addition, several civil society organizations were working to raise awareness of the Convention. The various tasks carried out in that regard by the Vulnerable Persons' Unit of the Uganda Human Rights Commission, as outlined in paragraph 69 (a) to (g) of the State party report (CRPD/C/UGA/1), were also noteworthy. Moreover, the Ministry of Gender, Labour and Social Development had been working with the United Nations to develop a national plan for the implementation of the Convention.

11. **Ms. Nampeera** (Uganda) said that the national authorities provided students with disabilities at institutes of higher education with assistance and materials in Braille format. That approach would be progressively extended to secondary and then primary schools. Parents and carers of children with disabilities were provided with assistive devices in order to enable the children to learn how to use them and to become self-reliant. Makerere University had recently launched a programme on disability which offered training opportunities for personal assistants for persons with disabilities, Kyambogo University ran training courses in sign language and sign language classes had been introduced into teacher-training college curricula.

12. **Mr. Lukwiya** (Uganda) said that the Government had held extensive consultations with the Uganda National NGO Forum on the formulation of the 2030 Agenda for Sustainable Development, and organizations of persons with disabilities had participated in the preparation of the report on the 2030 Agenda that Uganda would submit to the High-level Political Forum on Sustainable Development in July 2016.

13. **Mr. Madada** (Uganda) said that the purpose of the proposed Mental Health Bill was to bring the care and management of persons with mental illness into line with national health policy. The bill took into account the best approaches to managing mental illness and would be consistent with relevant international human rights instruments. He encouraged the international community and Ugandan civil society to make their views on the bill known.

14. It was a mistake to believe that the Uganda Human Rights Commission lacked a clear mandate. In fact, the functions of the Commission, one of which was to visit prisons and other places of detention with a view to assessing and inspecting conditions therein, were clearly set forth in the Constitution.

15. The Uganda Communications Act provided for the delivery of assistive devices to persons with disabilities. In addition, tax exemptions were available for the purchase of such devices, and in 2014 the Starkey Hearing Foundation had donated hearing aids to persons in need across the country. The Ministry of Gender, Labour and Social Development had paid the taxes on some 3,000 of the donated hearing aids. The authorities

were supported by civil society in their efforts to raise awareness of the legal provisions relating to the acquisition of assistive devices.

16. The purpose of the National Policy on Disability was to monitor all public and non-public initiatives to ensure that issues of concern to persons with disabilities were not neglected. He called on his Government's technical experts to examine the country's disaster management plans and correct whatever failures to address the specific needs of persons with disabilities could be found in them.

Articles 21-33

17. **Mr. Tatić** said that he wished to know more about the inclusion of persons with disabilities in electoral campaigns in the State party. He therefore asked whether debates involving candidates for office were broadcast in formats accessible to deaf viewers, whether blind voters could receive information from political parties and candidates in Braille or electronic formats and whether persons with intellectual or psychosocial disabilities had access to information in easy-to-read formats.

18. He would welcome information on the accessibility of the country to tourists with disabilities. He himself would be interested in visiting Uganda and would therefore like to know what accessibility services were available at the country's main airport and how he could travel to the main tourist attractions.

19. **Ms. Quan-Chang**, following up on a question that she had asked at the previous meeting, said that she would appreciate confirmation that the monitoring mechanism of the Uganda Human Rights Commission was effective, in particular in view of alarming reports that persons in the State party's psychiatric facilities were subjected to degrading and inhuman treatment. Had any steps been taken to investigate and punish the persons responsible for such treatment?

20. The mandate of the Commission appeared to be so broad as to prevent it from focusing closely on issues of concern to persons with disabilities. She therefore wondered whether there were any plans to strengthen the Commission in such a way as to enable it to monitor the implementation of the Convention effectively.

21. She asked what measures the State party planned to take to encourage full respect for the rights of children with disabilities, with a view to preventing abandonment and neglect, and expressed concern about recent reductions in the social support provided to families. She commended the State party on its efforts to boost the political participation of persons with disabilities and said that it would be interesting to know more about how the Members of Parliament representing persons with disabilities were elected.

22. **Mr. Buntan** asked what measures the State party had taken to ensure that in official gatherings, persons with disabilities were provided with information in accessible formats. He wondered whether broadcasting services made use of sign language interpretation and audio description. Information on any public efforts to detect deafness in young children and provide sign language training to deaf children and their parents would also be welcome. What information and support services, if any, were available to the parents of such children?

23. In connection with article 24, he asked whether special services for students with disabilities were provided in regular schools, and in connection with article 28, he asked what the State party intended to do to ensure that persons with disabilities, most of whom were not employed, were covered by the planned national health insurance scheme. Lastly, he asked whether the Government had any plans to move speedily towards ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

24. **Mr. Ruskus** said that the delegation should provide information on the State party's methods of consulting organizations of persons with disabilities on improving the alarmingly low employment rates of such persons, and of women and younger persons with disabilities in particular. He also requested information on how efforts to promote the employment of persons with disabilities fitted into international cooperation and development programmes, such as one in which, with the support of the International Labour Organization, some 5,000 prospective businesswomen had received relevant training.

25. **Ms. Degener** said that she would appreciate information about the outcome of a petition, submitted to Parliament in 2012, on the exercise of sexual and reproductive rights by women with disabilities. She also wished to know whether the Mental Health Bill would be in alignment with the Committee's guidelines on article 14 of the Convention and what plans the State party had to abolish restrictions preventing persons with psychosocial and intellectual disabilities from running for office.

26. **Mr. Kim** Hyung Shik asked what measures had been taken to meet the specific health needs of persons with disabilities, in particular women. He requested more information about drug therapies for persons with psychosocial disabilities. Were doctors in Uganda readily available for consultation by persons with such disabilities?

27. He said that he would appreciate more information on training for persons involved in providing community-based rehabilitation services. Information on vocational training for persons with disabilities and related employment programmes would be welcome, as would a comment on what the State party was considering doing to help the large number of unemployed young people with disabilities, many of whom were living in near destitution. He asked whether Ugandan organizations of persons with disabilities were able to make a significant contribution to local development projects supported by international partners. Would persons with disabilities be involved in efforts to achieve the Sustainable Development Goals?

28. **Mr. You** Liang said that he would appreciate information on the effective measures that had been taken to combat poverty among persons with disabilities, offer them an education and create jobs for them. Specific information on the outcome of those measures would be especially welcome.

29. **Mr. Pyaneandee** said that the independence and investigative powers of the Equal Opportunities Commission should be strengthened, so that it could better assist persons with disabilities whose rights had been violated. Similarly, the Government should consider revising the constitutional mandate of the national human rights institution to enable it to address issues such as torture and inclusive education more effectively through temporary measures.

30. **Mr. Basharu** (Country Rapporteur) said that he would like to know what concrete steps had been taken to implement the provisions of article 21 of the Persons with Disabilities Act, which stipulated that the Government was required to ensure that information was made available to persons with disabilities in accessible formats. Was training in Braille provided to the blind and training in sign language to the deaf? Were teachers trained to teach Braille and sign language and were there plans to amend the Constitution to recognize sign language as an official language?

31. The number of persons with disabilities in employment was very low in both the private and public sectors. It was also a matter of concern that persons who sustained a disability in the course of their employment were allegedly routinely dismissed. The Committee would appreciate further information on steps taken to encourage self-employment and discourage discrimination and marginalization of persons with disabilities, for example through the provision of vocational training. What was being done to guarantee

access to the special disability grants for specific groups of persons with disabilities, such as those with psychosocial and intellectual impairments? Would the Government consider supporting the Uganda Foundation for the Blind in recovering the land that had been allocated to it under the Uganda Foundation for the Blind Act 1954?

32. **The Chair** said that, while she commended Uganda's efforts to implement the 2030 Agenda for Sustainable Development, she would appreciate further details on whether persons with disabilities had been involved in the process.

The meeting was suspended at 11.05 a.m. and resumed at 11.45 a.m.

33. **Mr. Mujuni** (Uganda) said that the Penal Code was very clear on the issue of sexual violence against children, including children with disabilities. Such an offence would be categorized as aggravated if it was committed against a child with disabilities. Regarding the Marrakesh Treaty, the Government was awaiting a legal opinion from the chief government adviser on ratification of the Treaty and hoped that the opinion would enable the Government to ratify it in the near future. The Mental Health Bill had aimed to eradicate the use of the term "sound mind" in determining criminal responsibility in legal proceedings. Efforts were ongoing in the courts to tackle the discriminatory use of that term.

34. **Mr. Kamya** (Uganda) said that the Parliamentary Elections Act provided that polling stations should be made physically accessible to persons with disabilities. The provisions of the Act were being progressively implemented and not all polling stations were fully accessible at the current time. Persons with disabilities were provided with assistance in voting, when required, including sign language interpreters and guides. Under the amended National Council for Disability Act, the Electoral Commission was mandated to ensure that there were representatives of disabled persons at all levels of Government. The Electoral Commission had also been instructed to conduct studies on the accessibility of polling stations, and it was expected that the outcome of that research would enable the Government to implement additional measures to further strengthen accessibility.

35. Regarding the Equal Opportunities Commission, the term of office of the first Commission had expired in July of the previous year and the second Commission was currently being set up. It was true that efforts needed to be directed towards further strengthening the Commission, through financial assistance and other types of support, in order to ensure that persons with disabilities had access to social justice services. The tribunal of the Equal Opportunities Commission was a semi-judicial entity, the judgments of which could be challenged before the Court of Appeal. Around 16 cases brought by persons with disabilities had been heard by the tribunal, on issues such as discrimination and marginalization. The Government encouraged individuals and organizations representing persons with disabilities to document such cases of discrimination and submit them to the tribunal.

36. **Mr. Madada** (Uganda) said that the Access to Information Act specifically mandated service providers to ensure that information was made available in accessible formats for persons with disabilities. Sign language interpretation, for example, had been provided at a number of public meetings and in courts. Nonetheless, the provision of information in Braille remained a challenge and a solution to the problem was being sought. The Government had set up a commission to support the Uganda Foundation for the Blind in developing its network across the country, in collaboration with a range of stakeholders.

37. **Ms. Nampeera** (Uganda) said that, regarding the training provided to parents in identifying hearing impairments in children at an early age, the Government had recently introduced a policy on early assessment and identification of disabilities in children. The National Community-Based Rehabilitation programme also trained parents and carers in strategies to communicate with and support children with disabilities.

38. **Mr. Madada** (Uganda) said that a draft policy was in place to address special needs and inclusive education. Uganda had introduced universal primary and secondary education and intended to make the school system fully inclusive, for example by ensuring that students with disabilities were allowed more time for examinations and had access to sign language and Braille resources. At the university level, under an affirmative action programme 64 students with disabilities had been enrolled in State-run institutions every year since 2009, for a total of more than 400 to date. There were loan programmes for students with disabilities. Kyambogo University had a programme for the training of special needs teachers. Proposed amendments to existing legislation would strengthen efforts to ensure inclusive education and require every State-funded educational institution to provide appropriate materials, adapted equipment and services to meet the needs of students with disabilities. Failure to do so would be punishable by a fine or imprisonment.

39. Turning to the area of health care, he said that informed written consent was a precondition for medical procedures in the case of an individual with disabilities; if the individual concerned had an intellectual or psychosocial disability the written consent of their next of kin was required. A new Mental Health Bill was currently before Parliament. The coverage of social health insurance under the Social Protection Policy had recently been broadened to include the formal and informal sectors, which would ensure that more members of vulnerable groups, including persons with disabilities, were eligible. Numerous projects to strengthen health care were envisaged for the period 2015-2020.

40. His Government was working to increase employment for persons with disabilities. The Employment Regulations 2011 included disability in their schedule A checklist. Disaggregated data on the employment situation of persons with disabilities were being compiled. The Skilling Uganda programme included a module on disability; young people in particular were encouraged to take advantage of that programme. A government-funded entrepreneurship programme for women established in 2015 funded disability-related projects. The Vocational Rehabilitation Centres equipped persons with disabilities with marketable skills. New legislation would prohibit discrimination by employers against persons with disabilities and require employers to accommodate workers with disabilities.

41. **Mr. Lukwiya** (Uganda) said that actions to address disability issues in the context of implementation of the 2030 Agenda for Sustainable Development were in the planning stage. The Ministry of Finance was responsible for consultations currently being held across the country with a view to preparing a report on implementation of the Agenda. The Uganda National NGO Forum provided a platform for civil society organizations to participate in the consultations.

42. He stressed that the main challenge to implementation of the Convention was a still underdeveloped institutional and legal framework as well as the lack of means to adequately implement existing policies. It was unfair to say that some African countries were quick to amend their constitutions to reflect international instruments merely to meet the expectations of the international community, but then failed to implement new obligations. It was often necessary to amend the Constitution as a prerequisite for the adoption of legislative measures. The problem was one of lack of capacity for implementation, which his Government was doing its utmost to overcome. He noted that one of the priorities of a planned national action plan for human rights, currently in the final stages of approval, was promotion of the rights of persons with disabilities.

43. Lastly, he welcomed the positive feedback from the Committee on the work done by the Ugandan expert, Mr. Babu. He was pleased to inform the Committee that Mr. Babu's name would be put forward for re-election to the Committee and he hoped that members would use their influence to support his candidature.

44. **Mr. Madada** (Uganda), turning to the issue of participation in cultural life, recreation, leisure and sport, under article 30 of the Convention, said that his Government provided funding for recreational activities in the country. The Ministry of Gender, Labour and Social Development was developing a national action plan to promote the participation of children with disabilities in recreation and sports. The Government also funded the National Paralympic Committee. The main obstacle to such activities, as in other areas, was a lack of financial resources.

45. He stressed the State party's commitment to increasing the participation of persons with disabilities, their caregivers and their organizations in the planning and monitoring of disability-related measures at all levels with a view to giving persons with disabilities a voice and promoting a positive environment for their effective and equal participation in an inclusive society. He thanked the Committee for its input and guidance for the realization of that goal.

46. **Mr. Basharu** welcomed the constructive dialogue with the delegation and looked forward to continued progress on disability rights in the State party. He had four recommendations that could be implemented rapidly. First, citing the slogan "Nothing about us without us", he emphasized that the Government of the State party, in order to be truly representative, must ensure that there was an ongoing dialogue with persons with disabilities and their organizations at all stages of the planning of measures to meet their needs. Second, in order to address the problem of grossly inadequate resources for persons with disabilities, who made up 12 per cent of the population, the Government must prioritize funding for disability issues, in particular in the areas of education, health and training. Third, the Government must do more to raise awareness of disability issues and the Convention at all levels of society and promote a dialogue, in cooperation with persons with disabilities and their organizations, on a national action plan in that regard. Fourth, relevant legislation should be adopted rapidly, including the amended Persons with Disabilities Bill and the Mental Health Bill, to end abuses against persons with mental impairments and make appropriate drugs available to them.

47. **The Chair**, thanking the delegation for the fruitful dialogue with the Committee, noted the participation of civil society representatives present in the Committee room and those watching the webcast of the proceedings.

The meeting rose at 12.30 p.m.